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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,018	07/31/2003	Kevin McPartlan	47524/P152CP1/10613139	4722
29053 7590 11/25/2008 FULBRIGHT & JAWORSKI L.L.P. 2200 ROSS AVENUE SUITE 2800 DALLAS, TX 75201-2784				
EXAMINER				
WINDER, PATRICE L				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/633,018

Applicant(s)

MCPARTLAN ET AL.

Examiner

Patrice Winder

Art Unit

2445

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8-28-2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4 and 16 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-15 and 17-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 4, 13, 25, 28 and 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Each claim recites a step or module that is "adapted to" operate in a specified manner. Being that software is realistically embodied as a series of steps, the examiner is unable to determine the scope of "adapted to".

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5-9, 11-15, 17-21, 23-27, 29-33, 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riley et al., US 2002/0123983 A1 (hereafter referred to as Riley) in view of Brown et al., US 2003/0074270 A1 (hereafter referred to as Brown).

5. Regarding claims 1, 13, 25, Riley taught a method of escalating non-realtime customer communications in a contact center (abstract), the method comprising:

receiving said customer communications from customers, in a plurality of shared file folders, said shared file folders configured in a central processing area of the contact center (paragraphs 98, 105);

designating at least one of said customer communications as aged based on a set of predetermined escalation criteria (check the target times, paragraph 136);

extracting the at least one aged customer communication from the plurality of shared file folders (assigning service request to higher tier operator, paragraph 136),

routing the aged customer communication with an escalation service to an immediate workflow such that the aged customer communication is routed by the immediate workflow for immediate response to a first designated agent of a plurality of designated agents that responses to customers (assigned to Tier 2 or Tier 3, paragraphs 137-138);

presenting an alert communication to the first designated agent such that the alert communication is displayed on a desktop of the first designated agent (assignment notification, paragraph 137);

sending, under direction of said first designated agent, a response to a customer associated with the aged communication on the desktop (paragraphs 146-147),

wherein escalation service is adapted to escalate an immediate customer communication to the immediate workflow for routing to the designated agent (paragraph 142). Riley does not specifically teach the alert communication is the aged

customer communication. However, Brown taught the alert communication includes an aged customer communication (paragraph 15). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Brown's customer communication including the alert communication in Riley's system for escalating trouble tickets would have improved responsiveness. The motivation would have been to include the trouble ticket information in the communication so that the service personnel assigned to respond to the communication can make better decisions on the right corrective action.

6. Regarding dependent claims 2, 14, 26, Riley taught the desktop includes a visual indicator, further wherein the visual indicator for the aged customer communication in the plurality of shared file folders (paragraph 144). Brown taught the visual indicator includes an expiration time for the aged customer communication (paragraph 15).

7. Regarding dependent claims 3, 15, 27, Riley taught the customer communication is designated as immediate based on the set of predetermined escalation criteria before the communication becomes aged (service level agreements, paragraphs 116, 140).

8. Regarding dependent claims 5, 17, 29, Riley taught monitoring the aged customer communication displayed on the first designated agent's desktop, wherein when the first designated agent does not answer the aged customer communication, the immediate workflow routes the aged customer communication to a second designated agent (from Tier 2 to Tier 3, paragraphs 140, 142).

9. Regarding dependent claims 6, 18, 30, Riley taught sending an acknowledgement message when the first and second designated agents are unavailable (acknowledgement = status, paragraph 144).
10. Regarding dependent claims 7, 19, 31, Riley taught prompting the first designated agent when the step of responding does not occur within the predetermined timeout period after the step of presenting (timeout period = agreed upon time, paragraph 136).
11. Regarding dependent claims 8, 20, 32, Riley taught the aged customer communication is routed to the second designated agent after the prompting step is unanswered by the first designated agent (unanswered = no solution or resolution, paragraph 136).
12. Regarding dependent claims 9, 21, 33, Riley taught the aged customer communication is routed to the second designated agent after the first designated agent answers the prompting step by declining to respond to the aged customer communication (declining to respond = request reassignment, paragraph 136).
13. Regarding dependent claims 11, 23, 35, Riley taught the first and second designated agents may select non-real-time customer communications from the plurality of shared file folders that are not designated as aged (Tier operators access requests, paragraphs 136, 143), and further wherein the first and second designated agents respond to those non-real-time customer communications not designated as aged (Tier operators respond by trying to resolve, paragraphs 136, 143).

14. Regarding dependent claims 12, 24, 36, Riley taught an agent is designated based on a set of predetermined designation criteria (predetermined criteria includes Tier 1, Tier 2 or Tier 3 credentials, paragraphs 201-203).

15. Regarding claim 37, Riley taught an apparatus for escalating non-real-time customer communications in a contact center (abstract), comprising:

A user interface adapted to allow a plurality of users to receive an aged customer communication from an immediate workflow through an escalation service (paragraphs 137, 141), wherein the plurality of users can provide an immediate response to the aged customer communication (paragraph 95), and further adapted to allow the immediate workflow to receive an immediate customer communication from the escalation service for routing to the plurality of users (paragraph 95). Riley does not specifically teach a storage media, a processing unit and the user interface coupled to the processing unit. However, Brown taught a storage media for storing a computer application; a processing unit coupled to the storage media and a user interface coupled to the processing unit (paragraph 19). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Brown's storage media and processing unit in Riley's system for escalating communication would have provided a tangible implementation of the Service Desk. The motivation would have been to execute the Service Desk software to configure a processor to implement the immediate escalation processes.

16. Claims 10, 22, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riley and Brown as applied to claims 1, 13 and 29 above, and further in view of in view of Pickering et al., USPN 6,493,695 B1 (hereafter referred to as Pickering).

17. Regarding dependent claims 10, 22, 34, Riley does not specifically teach changing predetermined escalation criteria during the responding step. However, Pickering changing predetermined escalation criteria during the responding step (column 9, lines 60-63). It would have been obvious to one of ordinary skill in the art at the invention was made that incorporating Pickering's changing the escalation criteria in Riley's system for escalating customer communications would have added flexibility to update the service level agreements (SLAs) as necessary. The motivation would have been ensure that Service Desk meets the SLAs.

Allowable Subject Matter

18. Claims 4 and 16 allowed.

19. The following is an examiner's statement of reasons for allowance: the prior art of record fails to teach or suggest the escalation service checks a present threshold for a maximum number of immediate workflows and delays escalating the communications designated as immediate until the number of immediate workflows is below the threshold as copied from the prior office action mailed on December 13, 2007.

20. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

21. Applicant's arguments with respect to claims 1-3, 5-15, 17-37 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is 571-272-3935. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrice Winder/
Primary Examiner, Art Unit 2445

November 23, 2008